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CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

December 11, 2018

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: S.P.W. v. City of Oakland, et al.**  
**United States District Court Case No. C-17-6884-SK**  
**City Attorney File No. 31959**  
**(Oakland Police Department - Civil Rights Violation)**


President Larry Reid and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the sum of Sixty Thousand Dollars and No Cents (\$60,000.00) payable to Plaintiff S.P.W. and her attorneys, John L. Burris and K. Chike Odiwe.

This action arises from an incident on November 16, 2016, wherein S.P.W. asserts that she sustained injuries requiring medical treatment when Oakland Police Officer Anthony Martinelli allegedly used excessive force near "E" Street in Oakland, California.

The Council authorized settlement of this case in Closed Session on Monday, September 17, 2018 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Rebecca Kaplan - 5 Ayes, 1 No – Councilmember Gallo, 1 Abstention – President Reid, 1 Absent - Councilmember Brooks).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Christina Lum

2524349v1

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
City Attorney's Office

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# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF S.P.W. v. CITY OF OAKLAND, ET AL, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. C-17-6884-SK, IN THE AMOUNT OF SIXTY THOUSAND AND NO CENTS (\$60,000.00) AS A RESULT OF A CIVIL RIGHTS VIOLATION ON NOVEMBER 16, 2016 (OAKLAND POLICE DEPARTMENT – CIVIL RIGHTS VIOLATION)**

**WHEREAS**, S.P.W. asserts that she sustained injuries requiring medical treatment when Oakland Police Officer Anthony Martinelli allegedly used excessive force on November 16, 2016 near "E" Street in Oakland; and

**WHEREAS**, U.S. District Court for the Northern District of California C-17-6884-SK was filed against the City of Oakland alleging negligence; and

**WHEREAS**, in order to avoid the risk of an adverse jury verdict under the circumstances; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of S.P.W. v. City of Oakland, C-17-6884-SK, City Attorney's File No. 31959, for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00); and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES:

ABSENT:

ABSTENTION:

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California